

ESTATE OF LUTHER CLYDE NANNY

OCTOBER 25, 1943.—Ordered to be printed

Mr. ROBERTSON, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 937]

The Committee on Claims, to whom was referred the bill (H. R. 937) for the relief of Mittie Pearl Nanny, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Page 1, line 5, strike out the words "Mittie Pearl Nanny" and insert in lieu thereof "the estate of Luther Clyde Nanny".

Amend title to read:

A bill for the relief of the estate of Luther Clyde Nanny.

The facts are fully set forth in House Report No. 689, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report.

[H. Rept. No. 689, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 937) for the relief of Mittie Pearl Nanny, having considered the same, report favorably thereon with amendments and recommend that the bill, as amended, do pass.

The amendments are as follows:

Page 1, line 5, strike out words "Luther C." and insert in lieu thereof words "Mittie Pearl Nanny".

At end of bill strike out period and add: "*Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Amend title to read: "A bill for the relief of Mittie Pearl Nanny."

The purpose of the proposed legislation is to pay to Mittie Pearl Nanny, of Corpus Christi, Tex., the sum of \$872.35, in full settlement of all claims against the United States for the loss of a house-car trailer destroyed on June 12, 1942, in Nueces County, Tex., by fire caused from the crash of a training plane from the Corpus Christi Naval Training Station.

STATEMENT OF FACTS

On June 12, 1942, United States Navy airplane *SNJ-4 No. 05534*, while on an authorized flight from the United States Naval Air Station, Corpus Christi, Tex., crashed and struck a house-car trailer belonging to Luther C. Nanny. The airplane caught fire and the fire spread to the trailer and destroyed the trailer and its contents.

A board of investigation was convened by the commanding officer of the naval air station, to inquire into and report upon the circumstances attending the crash of the airplane. After an investigation the board was of the opinion that the responsibility for the crash was that of the aviation cadet who unfortunately was killed in the crash and who apparently had employed faulty technique in endeavoring to recover from a spin. The board was also of the opinion that the property losses suffered by Mr. Nanny amounted to \$872.35.

The Navy Department recommends enactment of the bill. Mr. Nanny has died since the incident and the bill has been amended to make the grant payable to his wife, Mittie Pearl Nanny, to whom he devised all of his property except 40 acres of land which he left to their son.

Mittie Pearl Nanny has listed and itemized the property which was lost as a result of the crash, giving the value of each article, and this list is under oath and is appended hereto.

Your committee feel that the Government is responsible for the loss and they concur with the Navy Department in recommending passage of the proposed legislation.

Appended hereto is the report of the Navy Department, together with other pertinent evidence, all of which is made a part of this report.

NAVY DEPARTMENT,
Washington, May 20, 1943.

The Honorable DAN R. McGEHEE,
Chairman, Committee on Claims, House of Representatives,
Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to bill H. R. 937 for the relief of Luther C. Nanny and to your letter of April 3, 1943, requesting a report of the facts in the case and an expression of opinion as to the merits of the bill.

The purpose of the bill is to authorize the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Luther C. Nanny, of Corpus Christi, Tex., the sum of \$872.35, in full settlement of all claims against the United States for loss of a house-car trailer destroyed on June 12, 1942, in Nueces County, Tex., by fire resulting from the crash of a training plane from the Corpus Christi Naval Air Training Station.

The records of the Department disclose that United States Navy airplane *SNJ-4 No. 05534*, while on an authorized flight from the United States Naval Air Station, Corpus Christi, Tex., on June 12, 1942, crashed and struck a house-car trailer belonging to Mr. Luther C. Nanny. The airplane caught fire and the fire spread to the trailer and destroyed the trailer and its contents.

A board of investigation was convened by the commanding officer of the naval air station to inquire into and report upon the circumstances attending the crash of the airplane. After an investigation the board was of the opinion that the responsibility for the crash was that of the aviation cadet who unfortunately was killed in the crash and who apparently had employed faulty technique in endeavoring to recover from a spin. The board was also of the opinion that the property losses suffered by Mr. Nanny and his wife amounted to \$872.35.

The claim of Mr. Nanny for the loss of his property cannot be settled by the Secretary of the Navy under any existing appropriation for the Navy or the naval service.

Under the circumstances, the Navy Department considers the claim of Mr. Nanny a meritorious one and has no objection to the enactment of the bill H. R. 937, if the Congress decides that as a matter of grace relief is proper in this case.

The Navy Department has been advised by the Bureau of the Budget that there would be no objection to the submission of this report to the committee.

Very truly yours,

FRANK KNOX,
Secretary of the Navy.

THE STATE OF TEXAS,
County of Kleberg:

Before me, E. H. Crenshaw, Jr., a notary public in and for Kleberg County, Tex., on this day personally appeared Mittie Pearl Nanny (widow of Luther Clyde Nanny), to me well known, who, after having been by me first duly sworn, on her oath deposes and says:

At about 11:30 a. m., of June 12, 1942, at the Pure Oil North Gate of the King ranch, a house-car trailer belonging to my husband and me was destroyed when a naval training plane fell on it and set it afire. The aviation cadet was killed in the accident and the house-car trailer and all its contents were totally destroyed.

The following is a list of all of our property which was destroyed, with my best estimate of the fair value of each item:

1 house-car trailer (10 x 18 feet) with tires and cabinets_	\$500. 00	1 blanket (double)_____	\$8. 00
1 stove (gasoline)_____	6. 00	1 quilt_____	3. 00
1 icebox_____	10. 00	4 dresses (silk)_____	20. 00
1 chair_____	3. 00	5 washdresses_____	10. 00
1 bed with mattress_____	15. 00	2 black suits_____	12. 00
Dishes and utensils_____	7. 50	2 blouses and 2 skirts_____	14. 00
1 waffle iron_____	4. 00	1 pair kid gloves_____	2. 50
1 set silverware_____	25. 00	3 slips_____	9. 00
9 sheets_____	18. 00	5 pair pants (ladies')_____	5. 00
3 pairs pillowslips_____	5. 00	4 khaki pants_____	10. 00
22 towels (bath)_____	7. 00	3 pair hose (nylon)_____	6. 00
10 washclothes_____	. 50	4 brassieres_____	4. 00
3 luncheon sets_____	3. 00	12 pair socks_____	4. 80
10 scarves_____	2. 00	2 pair shoes (ladies')_____	16. 00
10 dishtowels_____	. 50	2 aprons_____	1. 00
2 men's suits_____	60. 00	2 Masonic emblems_____	15. 00
7 shirts (4 dress, 3 khaki)_____	9. 00	1 pair scissors_____	1. 00
10 suits men's underwear_____	10. 00	2 gold pins_____	20. 00
12 handkerchiefs_____	1. 80	Canned goods and groceries____	5. 00
1 pair shoes_____	13. 75		
1 leather jacket_____	5. 00		
		Total damage_____	872. 35

Neither my husband nor I have received anything in the way of compensation for loss of the above property. On March 9, 1943, my husband, Luther Clyde Nanny, departed this life, leaving a will by which he devised a 40-acre tract of land to our son, Orval Edmond Nanny, and the rest and residue of his estate to me, and appointing me executrix of his estate. This will was admitted to probate in the county court of Kleberg County, Tex., on the 29th day of March 1943, and I was appointed executrix, and qualified on the same day.

Further deponent saith not.

MITTIE PEARL NANNY.

Subscribed and sworn to before me by Mitti Pearl Nanny on this the 19th day of April 1943.

[SEAL]

MARGUERITE M. TERRELL,
Notary Public, Kleberg County, Tex.

LETTERS TESTAMENTARY

THE STATE OF TEXAS,
County of Kleberg.

In county court, Kleberg County, Tex.:

I, B. A. Brown, clerk of the county court of Kleberg County, Tex., do hereby certify that on the 29th day of March A. D. 1943, Mittie Pearl Nanny was duly granted by said court letters testamentary of the estate of Luther Clyde Nanny, deceased, and that she qualified as such executrix of said estate on the 29th day of March A. D. 1943 as the law requires, and that said appointment is still in full force and effect.

Witness my hand and seal of office at Kingsville this 29th day of March A. D. 1943.

[SEAL]

B. A. BROWN,
Clerk, County Court, Kleberg County, Tex.

